
The University of Tennessee

Request for Proposals:

Best Value Procurement Option One
for
Campus Beautification Projects –
Volunteer Blvd Ph 1 (Phase A-B2)
UT Knoxville

SBC No. 540/009-08-2015

January 18, 2017

The University of Tennessee Division of Facilities Planning

5723 Middlebrook Pike, Suite 119

Knoxville, Tennessee 37996-0040

<http://facilitiesplanning.tennessee.edu/>

RFP ADVERTISEMENT

Appearing in the Knoxville News Sentinel on January 18, 2017

Request For Proposals: The University of Tennessee requests proposals for a General Contractor in a Best Value Procurement Option 1 Process. **Project:** Campus Beautification Projects – Volunteer Blvd Ph 1(Phase A-B2), UT Knoxville, SBC No. 540/009-08-2015. **RFP Documents:** Scope of services and proposal requirements are on UT's Web site, <http://facilitiesplanning.tennessee.edu/> **Accommodation:** A Proposer with a disability may request reasonable accommodation for participation to the RFP Coordinator designated in the RFP no later than seven calendar days after initial RFP advertisement. **Pre-Proposal Conference:** Division of Facilities Planning, 5723 Middlebrook Pike, Suite 119, Knoxville, TN at 2:00 pm local time on January 26, 2017. **Proposal Deadline:** Proposals received by the Owner at the address below until 12:00 p.m. local time on February 14, 2017.

Michelle Crowder, Office of Capital Projects
5723 Middlebrook Pike, Suite 119
Knoxville, TN 37996-0040

REQUEST FOR PROPOSALS

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/009-08-2015

January 18, 2017

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REQUEST FOR PROPOSALS

1. INTRODUCTION

1.1 Purpose

- 1.1.1 The University of Tennessee, hereinafter referred to as the Owner, has issued this Request for Proposals (RFP) with attachments to define service requirements; solicit proposals; detail proposal requirements; and outline the process for evaluating proposals and select a contractor using the State of Tennessee's Construction Services Procurement Method identified as Best Value Procurement Option One.

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2) SBC No. 540/009-08-2015

1.2 Scope of Services

- 1.2.1 RFP Attachment 1 provides an Agreement Between Owner and Contractor.
- 1.2.2 RFP Attachment 6 includes the Project Description for the scope of services for this project.

1.3 Nondiscriminatory Participation

- 1.3.1 Through this RFP the Owner seeks to procure the best services at the most favorable, competitive prices and to give all qualified businesses, including those that are owned by minorities, women, persons with a disability, and small business enterprises, opportunity to do business with the Owner.
- 1.3.2 No person shall be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the State's contracted programs or activities on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or Tennessee State Constitutional or statutory law; nor shall they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the State of Tennessee or in the employment practices of the State's contractors. Accordingly, all vendors entering into contracts with the State of Tennessee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- 1.3.3 The Owner has designated the following contact to coordinate compliance with the nondiscrimination requirements of the State of Tennessee, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and applicable federal regulations.

Office of the General Counsel
The University of Tennessee
Administration Building
719 Andy Holt Tower, Suite 560
Knoxville, TN 37996-0174
(865) 974-3245

1.4 Assistance to Proposers with a Disability

- 1.4.1 A Proposer with a disability may receive accommodation regarding the means of communicating this RFP and participating in this RFP process. A Proposer with a disability should contact the RFP Coordinator to request reasonable accommodation no later than the Pre-Proposal Conference.

1.5 Diversity in Contractual Relationships

- 1.5.1 It is the express desire of The University of Tennessee and the State Building Commission to include an emphasis on diversity in its contractual relationships with contractors for the construction, demolition or renovation of State projects under jurisdiction of the Commission. The Commission acknowledges that firms who demonstrate and embrace diversity within their programs and policies are assisting the State in achieving its goals in building a more reflective marketplace of the community within this state.

2. RFP COMMUNICATIONS

2.1 Request for RFP Communications

- 2.1.1 **THE OWNER will convey all official communications and addenda pursuant to this RFP to the potential Proposers from whom the RFP Coordinator has received a Request for RFP Communications in writing, by letter or by email, with the request clearly indicating the potential Proposer's organization name and the name and title of a contact person with their telephone number and email address.**
- 2.1.2 The Request for RFP Communications shall be made no later than the date of the Pre-Proposal Conference detailed in the RFP Advertisement. Such request creates no obligation and is not a prerequisite for making a proposal.

2.2 RFP Communications Process

- 2.2.1 Unauthorized contact regarding this RFP with employees or officials of the Owner or of the State of Tennessee other than the RFP Coordinator detailed below may result in disqualification from this procurement process.
- 2.2.2 Interested parties and potential proposers must direct all communications regarding this RFP to the following RFP Coordinator, who is the Owner's official point of contact for this RFP.
- Michelle Crowder, RFP Coordinator
Office of Capital Projects
The University of Tennessee
5723 Middlebrook Pike, Suite 119
Knoxville, TN 37996-0040
- Telephone: (865) 974-2231
Email: designer@tennessee.edu
- 2.2.3 Notwithstanding the foregoing, Interested Parties may contact the staff of the Governor's Office of Diversity Business Enterprise for general, public information regarding this RFP, assistance available from the Governor's Office of Diversity Business Enterprise, or potential future Owner procurements.

- 2.2.4 The State Building Commission Number (SBC No.) for the project must be referenced in all communications regarding the RFP.
- 2.2.5 Any oral communications shall be considered unofficial and non-binding with regard to this RFP.
- 2.2.6 Each Proposer shall assume the risk of the method of dispatching any communication or proposal to the Owner. The Owner assumes no responsibility for delays or delivery failures resulting from the method of dispatch. "Postmarking" of a communication or proposal shall not substitute for actual receipt of a communication or proposal by the Owner.
- 2.2.7 Only the Owner's official written responses and communications shall be considered binding with regard to this RFP.
- 2.2.8 The Owner reserves the right to determine, at its sole discretion, the method of conveying official written responses and communications pursuant to this RFP such as by letter, by fax, by email, or by Web site posting.
- 2.2.9 Any data or factual information provided by the Owner, in this RFP or an official response or communication, shall be deemed for informational purposes only, and if a Proposer relies on such data or factual information, the Proposer should either: (1) independently verify the information; or, (2) obtain the Owner's written consent to rely thereon.

3. PRE-PROPOSAL CONFERENCE AND PROPOSER COMMENTS

3.1 Pre-Proposal Conference

- 3.1.1 A Pre-Proposal Conference will be held at the time, date, and location detailed in the RFP Advertisement. Attendance is not a prerequisite for making a proposal.
- 3.1.2 The purpose of the conference is to discuss the RFP scope of services and contract requirements. While questions will be entertained, the oral response to any question at the conference shall be considered tentative and non-binding with regard to this RFP.

3.2 Proposer Comments and Waiver of Objections

- 3.2.1 Each Proposer shall carefully review this RFP and all attachments for comments, questions, defects, objections, or any other matter requiring clarification or correction, collectively called Comments. Comments must be made in writing and received by the RFP Coordinator no later than five calendar days after the date of the Pre-Proposal Conference.
- 3.2.2 A Proposer's protests based on any objections concerning the RFP shall be considered waived and invalid if Comments relevant to the objections have not been brought to the attention of the Owner, in writing, no later than five calendar days after the date of the Pre-Proposal Conference.
- 3.3.3 The Owner reserves the right to determine, at its sole discretion, the appropriate and adequate responses to Comments. The Owner's official responses to Comments and other official communications pursuant to this RFP shall constitute an addendum to this RFP.

4. PROPOSAL REQUIREMENTS AND PROCESS

4.1 Deadline

- 4.1.1 Proposals must be submitted to the RFP Coordinator no later than the Proposal Deadline date and time detailed in the RFP Advertisement. A late proposal will not be accepted. A Proposer's failure to submit a proposal before the Proposal Deadline shall cause the proposal to be disqualified.
- 4.1.2 The Proposal Deadline time shall be established by the timepiece of the Owner.

4.2 Proposal Contents

- 4.2.1 A proposal must respond to the description of Best Value scope of services, contract requirements, and proposal requirements described in this written RFP and any RFP attachments, exhibits, or addenda.
- 4.2.2 Each Proposer must submit a proposal in response to this RFP with the most favorable terms that the Proposer can offer in recognition that there will be no best and final offer procedure.
- 4.2.3 No portion of a proposal may be delivered orally or by any means of electronic transmission.
- 4.2.4 A proposal in response to this RFP shall consist of 2 parts which will include the following three documents, each of which is further described in a later section and in an RFP attachment.

Part 1

- Certification Statement (RFP Attachment 2)
- Technical Proposal (RFP Attachment 3)

Part 2

- Bid Form (RFP Attachment 4)

- 4.2.5 Each Proposer must submit seven copies of the Technical Proposal in a separately sealed package with a single digital file copy in .pdf format on a disc or flash drive. The digital file should not exceed 20 MB and should be named using the following format: (Proposer Name) UTK CBP-Vol Blvd Ph 1 (Phase A-B2).pdf that is clearly marked as follows.

Technical Proposal

Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2), UT
Knoxville

SBC No. 540/009-08-2015

For RFP Coordinator Opening Only

- 4.2.6 Each Proposer must submit one original Certification Statement signed and dated by an individual empowered to contractually bind the Proposer.

4.3 Technical Proposal Requirements (Part 1)

- 4.3.1 No pricing information, except for what is specifically requested, shall be included in the Technical Proposal. Inclusion in the Technical Proposal of any direct or implied revelation of requested Cost Proposal information shall make the proposal non-responsive and the Owner will reject it.
- 4.3.2 Each Proposer shall use RFP Attachment 3 to guide organization of the Technical Proposal. Each Proposer shall duplicate RFP Attachment 3 for use as the Table of Contents for the Technical Proposal by adding proposal page numbers and the Proposer's name as indicated. The Proposer must address all items for all sections and provide, in sequence, the required information and documentation with the associated item references.
- 4.3.3 The Technical Proposal shall be economically prepared, with emphasis on completeness and clarity of content, legibly written, brief, and to the point in a direct response to the information requested for each item. All material must be on standard 8 1/2" x 11" paper oriented either portrait or landscape with exceptions permitted for foldouts containing non-text information such as charts and spreadsheets.
- 4.3.4 All pages must be numbered.
- 4.3.5 The Technical Proposal shall not exceed 30 pages including photo pages, charts, spreadsheets, tabs, and appendices. Pages or sheets with print on both sides will be counted as two pages.
- 4.3.6 All information included in a Technical Proposal shall be relevant to a specific requirement detailed in RFP Attachment 3. All information must be incorporated into a response to a specific requirement and clearly referenced. Any information not meeting these criteria will be deemed extraneous and will in no way contribute to the evaluation process.

4.4 Bid Form (Part 2)

- 4.4.1 Requested short list proposers shall record and submit Bid information on a Bid Form similar to that shown on RFP Attachment 4. The official Bid Form, Instructions to Bidders, Bidding Documents, and Bid Envelope will be included in a Bid Pack.
- 4.4.2 The Designer will issue the official Bid Pack to the short listed proposers.
- 4.4.3 The Instructions to Bidders will include a requirement that each Bidder prepare a Bid that utilizes a Plumbing Subcontractor, an HVAC Subcontractor, an Electrical Subcontractor, a Masonry Subcontractor, a Landscaping/Irrigation Subcontractor, and a Concrete Paving Subcontractor that is identified on an Eligible Subcontractor List provided within the Instructions to Bidders and identify such on the Bid Envelope cover in the section entitled "Subcontractors to be used on this Project". The Eligible Subcontractor List will be developed by the Owner from the lists of prequalified Plumbing, HVAC, Electrical, Masonry, Landscaping/Irrigation, and Concrete Paving, Subcontractors provided in the qualifications of the highest evaluated Proposers.

4.5 RFP Addenda and Cancellation

- 4.5.1 The Owner reserves the unilateral right to issue addenda to this RFP in writing at any time.
- 4.5.2 The Owner reserves the right, at its sole discretion, to cancel and reissue this RFP or to cancel this RFP in its entirety.

4.6 Proposal Prohibitions and Right of Rejection

- 4.6.1 The Owner reserves the right, at its sole discretion, to reject any and all proposals in accordance with applicable laws and regulations.
- 4.6.2 Each proposal must comply with all of the terms of this RFP and all applicable State laws and regulations. The Owner may consider non-responsive and reject any proposal that does not comply with all of the terms, conditions, and performance requirements of this RFP.
- 4.6.3 A proposal of alternate services (i.e., a proposal that offers services different from those requested by this RFP) may be considered non-responsive and rejected.
- 4.6.4 A Proposer shall not restrict the rights of the Owner or otherwise qualify a proposal. The Owner may determine such a proposal to be a non-responsive counteroffer and reject the proposal.
- 4.6.5 A Proposer shall not submit the Proposer's own contract terms and conditions in a response to this RFP. If a proposal contains such terms and conditions, the Owner may determine, at its sole discretion, the proposal to be a non-responsive counteroffer, and the proposal may be rejected.
- 4.6.6 A Proposer shall not submit more than one proposal. Submitting more than one proposal shall result in the disqualification of the Proposer.
- 4.6.7 A Proposer shall not submit multiple proposals in different forms. This prohibited action shall be defined as a Proposer submitting one proposal as a GC and permitting a second Proposer to submit another proposal with the first Proposer offered as a subcontractor. This restriction does not prohibit different Proposers from offering the same subcontractor as a part of their proposals, provided that the subcontractor does not also submit a proposal as GC. Submitting multiple proposals in different forms may result in the disqualification of all Proposers knowingly involved.
- 4.6.8 The Owner will reject a proposal if the bid was not arrived at independently without collusion, consultation, communication, or agreement as to any matter relating to such prices with any other Proposer. Regardless of the time of detection, the Owner shall consider any of the foregoing prohibited actions that are detected to be grounds for proposal rejection or contract termination.
- 4.6.9 The Owner will not contract with or consider a proposal from:
 - 4.6.9.1 an individual who is, or within the past six months has been, an employee or official of the State of Tennessee;
 - 4.6.9.2 a company, corporation, or any other contracting entity in which an ownership of two percent (2%) or more is held by an individual who is, or within the past six months has been, an employee or official of the State of Tennessee (this shall not apply either to financial interests that have been placed into a "blind trust" arrangement pursuant to which the employee does not have knowledge of the retention or disposition of such interests or to the ownership of publicly traded stocks or bonds where such ownership constitutes less than 2% of the total outstanding amount of the stocks or bonds of the issuing entity);
 - 4.6.9.3 a company, corporation, or any other contracting entity which employs an individual who is, or within the past six months has been, an employee or official of the State of Tennessee in a position that would allow the direct or

indirect use or disclosure of information, which was obtained through or in connection with his or her employment and not made available to the general public, for the purpose of furthering the private interest or personal profit of any person; or,

- 4.6.9.4 any individual, company, or other entity involved in assisting the Owner in the development, formulation, or drafting of this RFP or its scope of services shall be considered to have been given information that would afford an unfair advantage over other Proposers, and such individual, company, or other entity may not submit a proposal in response to this RFP.
- 4.6.9.5 For the purposes of applying the requirements of Section 4.6.9, et. seq., an individual shall be deemed an employee or official of the State of Tennessee until such time as all compensation for salary, termination pay, and annual leave has been paid.

4.7 Waiver of Variances

- 4.7.1 The Owner reserves the right, at its sole discretion, to waive a proposal's variances from full compliance with this RFP. If the Owner waives minor variances in a proposal, such waiver shall not modify the RFP requirements or excuse the Proposer from full compliance with such. Notwithstanding any minor variance, the Owner may hold any Proposer to strict compliance with this RFP.

4.8 Proposal Information Not Correct, Complete or Properly Organized

- 4.8.1 If the Owner determines that a Proposer has provided, for consideration in this RFP process or subsequent contract negotiations, incorrect information that the Proposer knew or should have known was materially incorrect, the Owner may determine such a proposal to be non-responsive and reject the proposal
- 4.8.2 The Owner may determine a proposal to be non-responsive and reject it if the proposal fails to appropriately address or meet all of the requirements.
- 4.8.3 The Owner may determine a proposal to be non-responsive and reject it if the Proposer fails to organize and properly reference the proposal as required.

4.9 Proposal Withdrawal

- 4.9.1 A Proposer may withdraw a submitted proposal at any time up to the Proposal Deadline time and date detailed in the RFP Advertisement. To do so, a Proposer must submit a written request, signed by a Proposer's authorized representative to withdraw a proposal. After withdrawing a previously submitted proposal, a Proposer may submit another proposal at any time up to the Proposal Deadline.

4.10 Proposal Errors and Amendments

- 4.10.1 Each Proposer is liable for all proposal errors or omissions. A Proposer will not be allowed to alter or amend proposal documents after the Proposal Deadline time and date detailed in the RFP Advertisement unless such is formally requested, in writing, by the Owner.

4.11 Proposal Preparation Costs

- 4.11.1 The Owner will not pay any costs associated with the preparation, submittal, presentation, or contracting of any proposal.

4.12 Disclosure of Proposal Contents

- 4.12.1 Each proposal and all materials submitted to the Owner in response to this RFP shall become the property of the Owner. Selection or rejection of a proposal does not affect this right. All proposal information, including detailed price and cost information, shall be held in confidence during the evaluation process. Notwithstanding, a list of actual Proposers submitting timely proposals may be available to the public, upon request, immediately after Technical Proposals are opened by the Owner.
- 4.12.2 Upon the completion of the evaluation of proposals the proposals and associated materials shall be open for review by the public in accordance with Tennessee Code Annotated, Section 10-7-504(a)(7). By submitting a proposal, the Proposer acknowledges and accepts that the full proposal contents and associated documents shall become open to public inspection.

4.13 Licensure

- 4.13.1 A Proposer must be a licensed General Contractor in the State of Tennessee. Before a Contract pursuant to this RFP is signed, the Proposer and its personnel, if applicable, must hold all necessary, applicable business and professional licenses as may be required for specific services. The Owner may require any or all Proposers to submit evidence of proper licensure.
- 4.13.2 Proposers shall be familiar with the Contractors Licensing Act of 1994, as currently amended (codified in Tennessee Code Annotated Sections 62-6-101, et seq.). A contract will not be awarded to a Proposer whose proposal is in conflict with State licensing law.

4.14 Proposals by Joint Ventures

- 4.14.1 If a Proposer intends to submit a Proposal as a joint venture, then the following requirements shall apply:
1. For the purposes of this RFP, the Owner recognizes a joint venture as separate organizations or business entities that intend to combine professional or technical expertise and business experience, and to share contractual and project responsibilities in performance of a contract pursuant to this RFP.
 2. Each joint venture participant shall meet the licensure requirements stated in the RFP.
 3. Each joint venture participant shall meet the insurance requirements stated in the RFP.
 4. Each joint venture participant shall individually provide all documentation required for review of financial responsibility and stability. The Owner will not recognize nor accept as a singular qualification, any combination of financial assets and resources from separate organizations or business entities submitting a Proposal in response to this RFP.
- 4.14.2 A subcontractor to a Proposer is not a joint venture participant.

4.15. Severability

- 4.15.1 If any provision of this RFP is declared by a court to be illegal or in conflict with any law, said decision shall not affect the validity of the remaining RFP terms and provisions, and the rights and obligations of the Owner and Proposers shall be

construed and enforced as if the RFP did not contain the particular provision held to be invalid.

4.16 False Statement, Misrepresentation or Omission.

- 4.16.1 Any false statement, misrepresentation, or omission regarding a material fact concerning any aspect of a Proposer's submittals shall render the Proposer ineligible for award. The failure to submit information and documentation required by this RFP may also render the Proposer ineligible for award
- 4.16.2 In the event a contract is awarded to the Proposer and it is later determined that the Proposer failed to disclose requested information, or made a false statement, misrepresentation or omission regarding a material fact concerning any aspect of this RFP, the Proposer may be considered in default and the Owner may terminate the contract immediately and/or withhold full or partial payment as it deems appropriate. In addition, the Owner may seek other available remedies to which it is entitled by law, including, but not limited to, debarment.

4.17 Completeness/Accuracy of Submittals.

- 4.17.1 The Proposer shall be fully responsible for and bound by all information and data included in any and all of its submittals and any appendices or attachments thereto.
- 4.17.2 It is the Proposer's responsibility to ensure that all information and data provided in any and all of its submittals in connection with this RFP are truthful, accurate and complete.
- 4.17.3 In the event that there are any material changes in the operations, management or performance capabilities of the Proposer or its listed subcontractors that may impact performance of the Contract Work after the submission of the documents, but prior to the award of the project, the Proposer shall immediately notify the Owner and inform it of the details of any such changes.

4.18.1 Proposal Evaluation Guide

- 4.18.1 The Owner will be guided in the evaluation of proposals by the process described herein. The evaluation process is designed to establish the top three qualified contractors who meet all the requirements and score at least the established minimum required points. The top three qualified proposers will be asked to participate in bidding the project.

4.19 Evaluation Process

- 4.19.1 After the Proposal Deadline the RFP Coordinator will open and review each Technical Proposal for a "Pass" or "Fail" evaluation based on compliance with each of the Mandatory Requirements detailed in Section A of RFP Attachment 3 and the following Proposal format and content requirements.
 - 1. Received on or before the Proposal Deadline.
 - 2. Seven copies submitted and packaged as required.
 - 3. Formatted as required and does not exceed size or page number limits.
 - 4. Contains no cost data, except as requested.
 - 5. Proposer did not submit alternate proposals.
 - 6. Proposer did not submit multiple proposals in a different form.

7. Does not contain any restrictions of the rights of the Owner or other qualification of the proposal.
- 4.19.2 If the RFP Coordinator determines that a proposal may have failed to meet one or more of the "Pass or Fail" criteria or the Proposal format and content requirements, the Evaluation Team, described herein, will review that proposal and make its own determination, documented in writing, of whether (1) the proposal meets requirements for further evaluation or (2) the Owner will request clarifications or corrections to enable further evaluation or (3) the Owner will determine the proposal non-responsive to the RFP and reject it.
- 4.19.3 An Evaluation Team made up of three or more Owner employees will evaluate each Proposal. The Evaluation Team will utilize technical advisers as appropriate for their evaluation.
- 4.19.4 The Owner reserves the right to contact references provided by the Proposer and any other source available for reference information.
- 4.19.5 Each Evaluation Team member will independently evaluate and assign points for each Proposal in accordance with the established evaluation criteria and associated possible points for each.
- 4.19.6 The Owner reserves the right, at its sole discretion, to request Proposer clarification of submittals or to conduct clarification discussions with any or all Proposers. Any such clarification or discussion shall be limited to specific sections of the proposal identified by the Owner. The subject Proposer shall put any resulting clarification in writing as may be required by the Owner.
- 4.19.7 The Owner reserves the right to receive an oral presentation from a Proposer. Oral presentation topics and the number of firms presenting are at the sole discretion of the Owner.
- 4.19.8 Using the scores from the Evaluation Team, the RFP Coordinator will develop scores for Technical Proposals in accordance with RFP Attachment.
- 4.19.9 Part 1 – After Technical Proposal evaluations are completed the RFP Coordinator will advise all proposers of the top evaluated proposals (up to three).
- 4.19.10 Part 2 – No more than three proposers evaluated best in Part 1 will be invited to participate in the Bidding.
- 4.19.11 Upon receipt of the Bid Form, the RFP Coordinator or UT Facilities Planning Project Manager will open the Bids and establish the low Bid that has been submitted.
- 4.19.12 The Owner reserves the right to request CPA audited or reviewed financial statements prepared in accordance with generally accepted accounting principles from the apparent best-evaluated Proposer prior to the final award of the contract. If the requested documents do not support the financial stability of the Proposer the Owner reserves the right to reject the proposal.

5. CONTRACT REQUIREMENTS AND PROCESS

5.1 Assignment and Subcontracting

- 5.1.1 The Proposer awarded a contract pursuant to this RFP shall not transfer or assign any portion of the contract without the Owner's prior, written approval.

- 5.1.2 A subcontractor may only be substituted for a proposed subcontractor at the discretion of the Owner and with the Owner's prior, written approval.
- 5.1.3 At its sole discretion, the Owner reserves the right to refuse approval of any subcontract, transfer, or assignment.
- 5.1.4 Notwithstanding the use of subcontractors, the Successful Proposer awarded a Contract under this RFP, shall be the prime contractor and shall be responsible for all work performed.

5.2 Right to Refuse Personnel

- 5.2.1 At its sole discretion, the Owner reserves the right to refuse any personnel of the General Contractor or a subcontractor for use in the performance of a contract pursuant to this RFP.

5.3 Insurance

- 5.31 Before entering into a contract the Owner will require the apparent successful Proposer to provide a Certificate of Insurance in accordance with RFP Attachment 1. Failure to provide such insurance certificate is a material breach and grounds for termination of contract negotiations.

5.4 Contract Award Process

- 5.4.1 The RFP and the Best Value Option One selection processes do not obligate the Owner and do not create rights, interests, or claims of entitlement in either the Proposer with the apparent best-evaluated proposal or any other Proposer. Contract award and the Owner obligations pursuant thereto shall commence only after contract approval of all State officials as required by State laws and regulations and not prior to the contractor's receipt of a fully signed contract.

5.5 Contract Payments

- 5.5.1 All contract payments shall be made in accordance with the contract's provisions for Payment Terms and Conditions as detailed in RFP Attachment 1. No payment shall be made until the contract is approved as required by State laws and regulations. Under no conditions shall the Owner be liable for payment of any type associated with the contract or responsible for any work done by the GC, even work done in good faith and even if the GC is orally directed to proceed with the delivery of services, if it occurs before contract approval by the Owner as required by applicable statutes and rules of the State of Tennessee or before the contract start date or before the General Contractor's receipt of a fully executed contract or after the contract end date specified by the contract.

5.6 General Contractor Performance

- 5.6.1 The General Contractor shall be responsible for the completion of all work set out in the contract. All work is subject to inspection, evaluation, and acceptance by the Owner. The Owner may employ all reasonable means to ensure that the work is progressing and being performed in compliance with the contract.

END OF REQUEST FOR PROPOSALS

RFP ATTACHMENT 1 – Pro Forma Agreement

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd. Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/009-08-2015

AGREEMENT

BETWEEN OWNER and CONTRACTOR

Where the Basis of Payment is a
STIPULATED SUM

AGREEMENT

Made as of the <<Number, e.g. "2nd">> day of <<Month>>

in the year of <<Year Number in Words>>.

BETWEEN THE OWNER:

The University of Tennessee

5723 Middlebrook Pike, Suite 119

Knoxville, Tennessee 37996-0040

AND THE CONTRACTOR:

<<Contractor Name>>

<<Street or P.O. Box>>

<<City, State, Zip Code>>

Federal Taxpayer Identification Number: <<Number>>

THE PROJECT:

Campus Beautification Projects – Volunteer Blvd. Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/005-08-2015

THE DESIGNER:

Ross / Fowler, P.C.

5103 Kingston Pike, Suite 105

Knoxville, TN 37919

THE OWNER AND THE CONTRACTOR AGREE AS SET FORTH BELOW.

ARTICLE 1
THE WORK AND THE CONTRACT DOCUMENTS

- 1.1 The Contractor shall perform all the Work required by the Contract Documents for the Project identified on page one.
- 1.2 The Contract Documents are identified in the Conditions of the Contract (General, Supplementary, and other Conditions). These form the Contract and constitute the entire agreement between the Owner and the Contractor, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. An enumeration of the Contract Documents appears in paragraph 1.4.
- 1.3 Terms used in this Agreement which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.
- 1.4 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

This Agreement.

<<List of Contract Documents including Drawings, Project Manual, and Addenda as applicable. Refer to UT Designer's Manual for pro forma requirements including but not limited to, requirements for General Conditions, Contract Bond, and other Divisions 00 and 01 requirements.>>

<<The Contractor's Proposal pursuant to this Agreement. >>

ARTICLE 2

TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

2.1 The Work to be performed under this Contract shall be commenced on the date stipulated in the Notice to Proceed; and, subject to authorized adjustments, Substantial Completion shall be achieved in

<<Number>> calendar days from and including the Notice to Proceed date.

2.2 Liquidated Damages, as set forth in the Conditions of the Contract, are

\$<<Amount>>

ARTICLE 3

CONTRACT SUM

3.1 The Owner shall pay the Contractor in current funds for the performance of the Work, subject to modifications as provided in the Contract Documents, the Contract Sum of

<<CONTRACT SUM IN WORDS>> AND NO/100 DOLLARS.

(\$<<CONTRACT SUM IN NUMBERS>>)

3.2 The Contract Sum is determined as follows:

3.3 The following Unit Prices will be used as specified:

This Agreement entered into as of the day and year first written above as witnessed:

By STATE ARCHITECT:

Signature: _____

Peter L. Heimbach, Jr., State Architect

BY CONTRACTOR: <<Contractor Name>>

Signature: _____

Name:

Title:

AND BY OWNER: The University of Tennessee

Signature: _____

Robbi Stivers, Executive Director
Office of Capital Projects

Approved as to Form and Legality:

Signature: _____

C. Ryan Stinnett, Associate General Counsel

END OF AGREEMENT FORM for the Project titled:

Campus Beautification Projects – Volunteer Blvd. Ph 1 (Phase B)
UT Knoxville
SBC No. 540/005-08-2015

RFP ATTACHMENT 3

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/009-08-2015

TECHNICAL PROPOSAL

SECTION A: MANDATORY REQUIREMENTS

PROPOSER NAME:

Proposal Page Number By Proposer	MANDATORY REQUIREMENTS	Evaluation By Owner
	A.1 Describe your firm's form of business (i.e., individual, sole proprietor, corporation, non-profit corporation, partnership, limited liability company) and the name of the U.S. state in which it is established.	(Pass or Fail)
	A.2 Provide a statement of whether there have been any mergers, acquisitions, or sales of your firm within the last five years, and if so, an explanation providing relevant details.	(Pass or Fail)
	A.3 Provide a statement that discloses any pending litigation against your firm; and if such litigation exists, an attached opinion of counsel as to whether the pending litigation will impair your firm's performance in a contract under this RFP.	(Pass or Fail)
	A.4 Provide a statement of whether, in the last ten years, your firm has filed (or had filed against it) any bankruptcy or insolvency proceeding , whether voluntary or involuntary, or undergone the appointment of a receiver, trustee, or assignee for the benefit of creditors, and if so, an explanation providing relevant details.	(Pass or Fail)
	A.5 Identify your firm's contact person regarding the proposal with mailing address, telephone number, and e-mail address.	(Pass or Fail)

SECTION B: QUALIFICATIONS AND EXPERIENCE

PROPOSER NAME:

Proposal Page Number By Proposer	QUALIFICATIONS AND EXPERIENCE
	<p>B.1 Briefly state your firm’s credentials to deliver the required services. Include your firm’s license information, number of employees, type of client base, and location of offices. Include awards or honors earned from industry organizations and publications.</p>
	<p>B.2 List contracts with the Owner and the State of Tennessee including current contracts and contracts completed within the previous five years.</p>
	<p>B.3 List current projects on which your firm is presently committed, or will be committed, with client name, dollar amount, the start and completion dates, and the services being provided (e.g., Construction Manager, General Contractor, etc.).</p>
	<p>B.4 Provide summary information for each of no more than five projects of similar scope and complexity that have been constructed or are being constructed by your firm and describe the services provided. Format information as shown after this section.</p>
	<p>B.5 List your firm’s management, supervisory, and technical professional personnel that will be assigned to the project.</p> <ol style="list-style-type: none"> a. Provide one page résumés of key personnel with title/position, education, professional license or registration, and general employment history. Key personnel shall include at a minimum the project manager(s), and superintendent(s). b. Provide relevant references names with contact information for the project manager(s). c. Identify the decision-maker for the project. <p><i>NOTE: The Owner will apply the requirements of General Conditions Section 3.9.1 to the key personnel, requiring such personnel be designated in writing prior to contract award and requiring that the Contractor shall not change personnel designated without consent of Owner.</i></p>
	<p>B.6 Provide a table identifying personnel named in B.5 that were assigned to projects named in B.4 and their job titles for that project.</p>
	<p>B.7 Documentation of Proposer commitment to diversity as represented by its business strategy, business relationships, and workforce — this documentation should detail:</p> <ol style="list-style-type: none"> a. a description of the Proposer’s existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, persons with a disability and small business enterprises b. a listing of the Proposer’s current contracts with business enterprises owned by minorities, women, persons with a disability and small business enterprises, including the following information: <ul style="list-style-type: none"> • contract description and total value

	<ul style="list-style-type: none"> • Contractor name and ownership characteristics (i.e., ethnicity, sex, disability) • Contractor contact and telephone number <p>c. an estimate of the probable level of participation by minorities, women, persons with a disability and small business enterprises in a contract awarded to the Proposer pursuant to this RFP.</p> <p>d. the percent of the Proposer's total current employees by ethnicity, sex and disability.</p>
	Technical Proposal Points (Maximum = 65)

QUALIFICATIONS AND EXPERIENCE INFORMATION

Information and format required for Qualifications and Experience Criteria B.4.

PROPOSER NAME:

Project Information:

Project:	Construction Cost:
Client:	Sq Ft New, Renov:
Location:	Construction Start Date:
Completion Date:	Original Contracted Time Duration:
Client Representative:	Contact Info:
Architect:	Contact Info:
Project Executive:	Superintendent:
Project Manager:	Other (optional):
Plumbing Sub:	Contact Info:
HVAC Sub:	Contact Info:
Electrical Sub:	Contact Info:
Masonry Sub:	Contact Info:
Landscape/Irrigation:	Contact Info:
Concrete Paving:	Contact Info:

Summary of scope and services provided:

SECTION C: TECHNICAL APPROACH

PROPOSER NAME:

Proposal Page Number By Proposer	TECHNICAL APPROACH
	C.1 Provide a brief, descriptive statement indicating the Proposer's approach to delivering the services sought under the RFP for this Project.
	C.2 Describe your firm's approach and procedures for project tracking and reporting and accounting. Name the software used. Provide an example of a progress report.
	C.3 Provide a brief descriptive summary on Request for Information, Request for Proposals, change orders, and shop drawings, and describe your firm's approach to handling, tracking and reporting these documents to ensure accuracy and timeliness.
	C.4 Describe how your firm implements quality control throughout construction.
	C.5 Describe the company's "Scheduling process", including software systems and use of scheduling as a management tool. Explain method of reporting project to owner, to other project participants, to in-house upper management, and to the field. Provide a sample report.
	C.6 Identify two or three each of Plumbing, HVAC, Electrical, Masonry, Landscaping/Irrigation, and Concrete Paving Subcontractors that are prequalified by your firm to serve as a subcontractor for this project. Describe the qualifications for each that meet or exceed your prequalification requirements.
	Section C Total Score (Maximum = 35 points)

END OF TECHNICAL PROPOSAL

RFP ATTACHMENT 4

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)

UT Knoxville, SBC No. 540/009-08-2015

BID FORM

FROM:

Bidder Name: _____

Bidder's Address: _____

The Bidder hereby acknowledges, attests, certifies, warrants, and assures that:

1. Bidder has received, read and understands the Bidding Documents and this bid is made in accordance therewith.
2. Bidder has visited the site and become familiar with the local conditions under which the work is to be performed, and has correlated all observations with the requirements of the Bidding Documents.
3. Documents identified as "Information Available to Bidders" are prepared solely for the Designer's use in design of this Work and have not been relied upon in the preparation of this bid. The use and interpretation of such information for any purpose is entirely the responsibility of the using party.
4. Contractors and Subcontractors that have been disqualified from participating in State Building Commission projects have not been included in this bid and will not be allowed to perform work under the contract that may result.
5. Bidder shall not knowingly utilize the services of an illegal immigrant in the performance of this Contract and shall not knowingly utilize the services of any subcontractor or consultant who will utilize the services of an illegal immigrant in the performance of this Contract.
6. The required Bid Security, in the amount of five percent (5%) of the total amount of bid, including alternates, is attached hereto.
7. Failure to complete this Bid Form, provide required attachments, or comply otherwise with instructions to Bidders, may be cause for rejection of bid.
8. The person who signs this bid on behalf of the Bidder is legally empowered to bind the Bidder to a Contract.

9. This Bidder's status, as required by the State Building Commission Policy and Procedures, is:

(True or False) _____ The Bidder and/or any of the Bidder's employees, agents, independent contractors and/or proposed Subcontractors have been convicted of, pled guilty to, or pled nolo contendere to any contract crime involving a public contract.

(Yes or No) _____ The Bidder is a "Certified Diversity or Disadvantaged Business Enterprise," Women Owned, Minority Owned, or Small Business, per TCA. § 12-3-801-808. If "Yes", then indicate the applicable status and name the Certifying Agency below.

Status: _____

Certifying Agency: _____

10. Bidder has received the following addenda:

Addendum No. _____ dated _____. Addendum No. _____ dated _____.

Addendum No. _____ dated _____. Addendum No. _____ dated _____.

11. Bidder understands and agrees that the lump sum bid price includes all taxes such as sales, use, excise, licenses, etc., now or hereafter imposed by Federal, State or other government agencies upon the equipment, labor and materials specified, and that all said taxes shall be paid by the Contractor.

12. This Bidder agrees to:

A. Honor this bid for a period of sixty (60) days following the date of the scheduled opening of bids.

B. Enter into and execute a contract, if presented on the basis of this bid, and to furnish certificates(s) of insurance, bond(s), and other documents related to the contract as required by the Bidding Documents.

C. Accomplish the Work in accordance with the Contract Documents.

D. Furnish Three Year Roof Bond in the form of Section 00 61 43 in the amount of: <<Stipulated amount per Designers' Manual -or- "Roof Bond Not Required">>.

E. Achieve Substantial Completion of the Work in accordance with the number of calendar days Contract Time set forth, allotted from and including the date stipulated in the Notice to Proceed; and, accept the conditions for Liquidated Damages in the amount set forth per calendar day.

Phase	Commencement	Contract Time	Liq. Damages
ALL	Notice to Proceed for All Work	Days	\$ Per Day
		Days	\$ Per Day
		Days	\$ Per Day

F. Complete the Work of this project for the lump sum of (in both words and figures):

BASE BID:

_____ and _____/100ths Dollars

\$ _____

G. Include work of the following Alternate(s), as specified in Section 01 23 00 Alternates, for the additional lump sum(s) of (in both words and figures):

ADD ALTERNATE No.1: <<Name of Alternate -or- "Not Applicable">>

_____ and _____/100ths Dollars

\$ _____

ADD ALTERNATE No.2: <<Name of Alternate -or- "Not Applicable">>

_____ and _____/100ths Dollars

\$ _____

ADD ALTERNATE No.3: <<Name of Alternate -or- "Not Applicable">>

_____ and _____/100ths Dollars

\$ _____

ADD ALTERNATE No.4: <<Name of Alternate -or- "Not Applicable">>

_____ and _____/100ths Dollars

\$ _____

H. Include work in the Base Bid and Alternates as specified for the Quantity Allowance of Unit Price Items and propose, subject to Owner acceptance, the following Unit Prices for inclusion in the Agreement as specified in Section 01 22 13 Unit Prices:

<<"XX Unit Price Items:" -or- "Not Applicable">>

Item No.	Unit Price per Unit	Unit	Name/Work Included

This bid is submitted by:

Authorized Signature: _____ Date: _____

Print Name and Title: _____

On Behalf of:

Bidder Name: _____

Bidder's Address: _____

Bidder's Phone: _____

Bidder's Fax: _____

Bidder's Email: _____

RFP ATTACHMENT 5

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/009-08-2015

EVALUATION GUIDE

Part 1: TECHNICAL PROPOSAL SCORE

- A. Determine Proposer's Technical Proposal Evaluation Amount as follows. The median score for all Evaluators is determined for both Section B and Section C and the Evaluation Amount is the sum of the two median scores for the Proposer.

	Technical Proposal						Technical Proposal						EVALUATION AMOUNT (B Median) plus (C Median)
	Section B, Qualif's & Experience						Section C, Technical Approach						
	Maximum of 65 Points						Maximum of 35 Points						
	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Etc.	Section B Median	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Etc.	Section C Median	
Proposer A													
Proposer B													
Proposer C													
Etc.													

- B. Determine the three highest evaluated Proposers with a minimum score of 65 points.
 C. Issue instructions to Bid to those Proposers.

Part 2: BIDDING

- A. The lowest responsible and responsive Bid from the proposers invited to participate in the Bid will be the recommended for contract award.

END OF EVALUATION GUIDE

RFP ATTACHMENT 2

For Best Value Procurement Option One
Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)
UT Knoxville
SBC No. 540/009-08-2015

CERTIFICATION STATEMENT

Proposer Legal Entity Name: _____

Proposer Federal Taxpayer Identification Number: _____

Proposer Tennessee Contractor License Information:

License Number: _____ License Classification applicable to project: _____

License expiration date: _____ License Limit: \$ _____

In regard to the project identified in the header above the Proposer does hereby affirm and expressly declare confirmation, certification, and assurance of the following:

1. This proposal constitutes (a) a commitment to provide all services as defined in the RFP Agreement Between Owner and Contractor.

2. The information detailed in the proposal submitted herewith in response to the subject RFP is accurate.

3. The proposal submitted herewith in response to the subject RFP shall remain valid for at least 45 days subsequent to the date of the Cost Proposal opening and thereafter in accordance with any contract pursuant to the RFP.

4. As applicable to this proposed Agreement, the Proposer shall comply with:

- a) the laws of the State of Tennessee;
- b) Title VI of the federal Civil Rights Act of 1964;
- c) Title IX of the federal Education Amendments Act of 1972;
- d) the Equal Employment Opportunity Act and the regulations issued there under by the federal government;
- e) the Americans with Disabilities Act of 1990 and the regulations issued there under by the federal government;
- f) the condition that the submitted proposal was independently arrived at, without collusion, under penalty of perjury; and,
- g) the condition that no amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee,

subcontractor, or consultant to the Proposer in connection with the Procurement under this RFP.

5. The Proposer shall provide proof of insurance in accordance with the requirements of the RFP.

6. The Proposer's status, as required by the State Building Commission Policy and Procedures, is:

(True or False) _____ The Bidder and/or any of the Bidder's employees, agents, independent contractors and/or proposed Subcontractors have been convicted of, pled guilty to, or pled nolo contendere to any contract crime involving a public contract.

(Yes or No) _____ The Bidder is a "Certified Diversity or Disadvantaged Business Enterprise," Women Owned, Minority Owned, or Small Business, per TCA. § 12-3-801-808. If "Yes", then indicate the applicable status and name the Certifying Agency below.

Status: _____

Certifying Agency: _____

7. The Proposer acknowledges receipt of Addendum:

Addendum number and date: _____

Addendum number and date: _____

Addendum number and date: _____

SIGNATURE AND DATE: _____

Printed Name and Title: _____

END OF CERTIFICATION STATEMENT

RFP ATTACHMENT 6

For Best Value Procurement Option One

Campus Beautification Projects – Volunteer Blvd Ph 1 (Phase A-B2)

UT Knoxville

SBC No. 540/009-08-2015

Design Team

Designer of Record and Landscape Architect: Ross/Fowler, P.C.

Civil: Cannon & Cannon, Inc.

Traffic Engineering: CDM Smith

Electrical Engineer: Vreeland Engineers, Inc.

Project Description

The project is the redevelopment of the Volunteer Boulevard corridor from the Pat Head Summit intersection on the west to the Circle Park Drive intersection on the east. Project features include:

- Removal of on-street parking
- Incorporation of shared bike lanes
- Removal of turn lanes and construction of new landscaped medians
- Addition of bio swales to handle first flush stormwater requirements
- Improved sidewalks and specialty pavements
- Removal and replacement of the Art and Architecture parking lot
- Streetscape elements including pedestrian and roadway lighting and site furniture
- Wi-Fi coverage improvements and security cameras
- Traffic signal mast arm replacements at Peyton Manning Pass
- Raised mid-block pedestrian cross walks
- A new Bus parking area adjacent to the new Stokley parking garage
- Enhanced landscape with irrigation
- Signage in accordance with the Wayfinding Master Plan

Project Status and Anticipated Schedule

The current schedule indicates issuing the construction documents to the highest evaluated Proposers for preparation of bids on March 1, 2017. The construction period is anticipated to be completed in the fall of 2017.

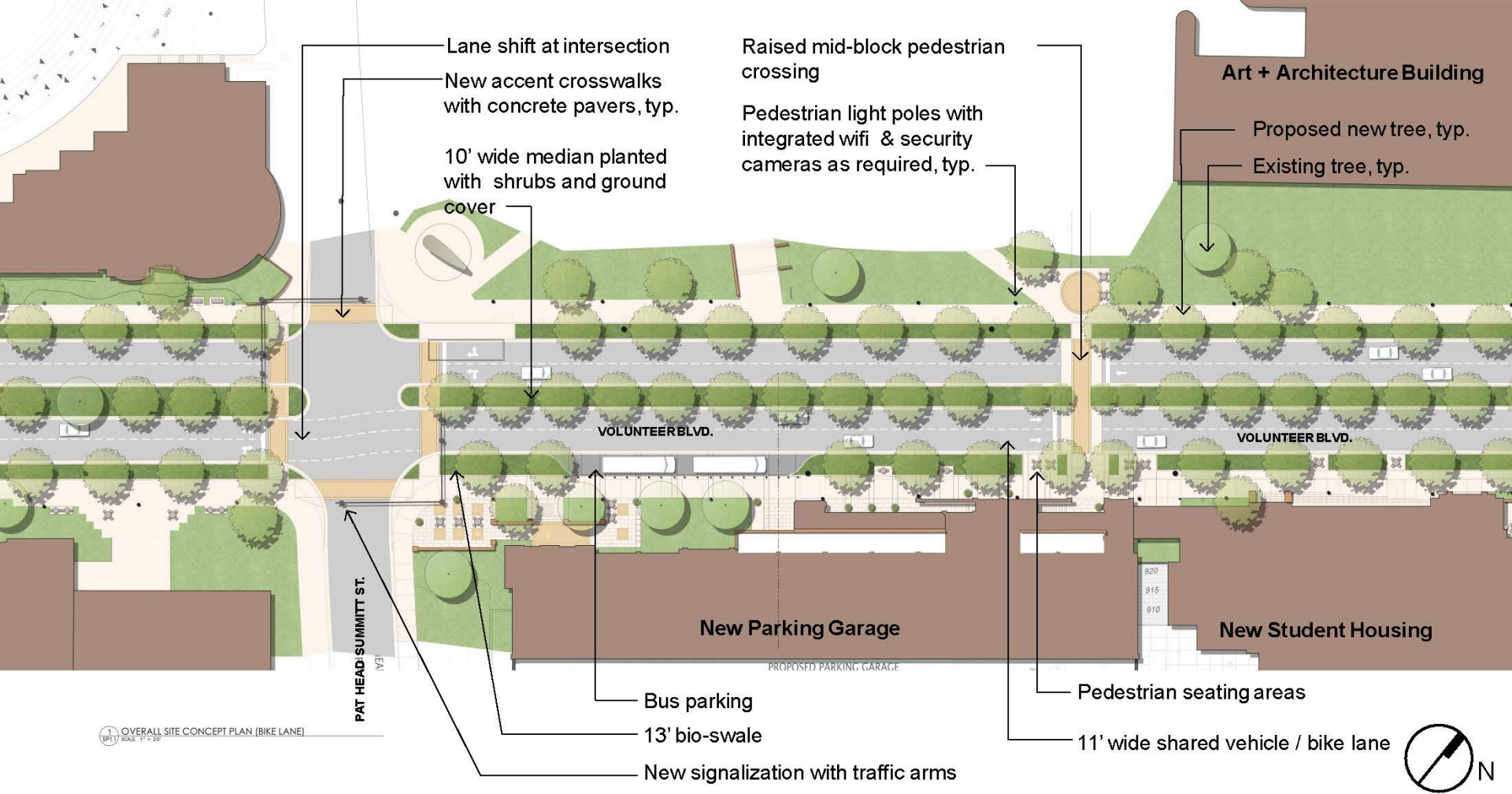
Project Construction Budget

Estimated Construction Costs: \$3,822,000.00

Documentation Attached

Plan View (Phase B2) between Pat Head Summit St. and Lake Loudoun Blvd.
Plan View (Phase B2) between Lake Loudoun Blvd. and Circle Park Drive

END OF SUMMARY DESCRIPTION OF THE PROJECT



PLAN VIEW (PHASE B2)



PLAN VIEW (PHASE B2)